

Ser. No. 10/536,829
Docket No. Y31-184577C/KK
NGB.534

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REMARKS

Entry of this Amendment is proper because it narrows the issues on appeal and does not require further searching by the Examiner.

Claims 2-7, 9-11, 13-14 and 18-20 are all the claims presently pending in the application. Claims 12 and 15-17 have been canceled. Claims 2 and 20 have been amended.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 2-7, 9-11, 13-14 and 18-20 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Applicant notes that claims 2 and 20 have been amended to address the Examiner's concerns. Therefore, Applicant notes that these claims fully comply with the written description requirement, and the Examiner is respectfully requested to withdraw this rejection.

Claims 2-5, 7, 9-11 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over WO 01/86748 (hereinafter "Nakagawa") in view of Kuriyama.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Nakagawa and Kuriyama, and further in view of Basu (U. S. Patent 4,304,825).

Claims 2-5 and 7-10 stand rejected on the ground of obviousness-type double patenting over claims 1-7 of Nakagawa et al. (U. S. Patent No. 7,029,793). Applicant respectfully disagrees with the Examiner, and respectfully reserves the right to file a terminal disclaimer (if necessary) after the prior art rejections have been withdrawn.

Applicant respectfully submits that Nakagawa, Kuriyama and Basu would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention.

In particular, neither Nakagawa, nor Kuriyama, nor Basu, nor any alleged combination thereof, teach or suggest "*a quaternary ammonium salt in an amount of 0.06 mol/L or greater and 0.5 mol/L or less, the quaternary ammonium salt having a structure represented by (chemical formula 2)*", as recited, for example, in claims 2 and 20 (Application at page 5, line 18-page 7, line

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26; page 14, lines 1-7).

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, Applicant respectfully requests that the Examiner withdraw this rejection.

In view of the foregoing, Applicant submits that claims 2-7, 9-11, 13-14 and 18-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

To the extent necessary for submitting this response, Applicant hereby petitions for an extension of time under 35 C. F. R. 1.136. The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



Phillip E. Miller, Esq.

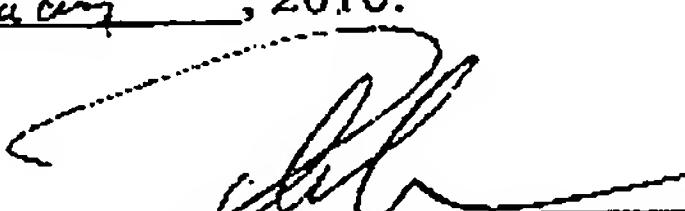
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Date: 2/27/10

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing was filed by facsimile with the United States Patent and Trademark Office, Examiner Robert W. Hodge, Group Art Unit # 1795 at fax number (571) 273-8300 this 27th day of February, 2010.



Phillip E. Miller
Reg. No. 46,060